

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
TUESDAY, APRIL 13, 2021 (WEBEX)

I. CALL TO ORDER

Mayor Ladwig called the Webex virtual meeting to order at 6:00pm. Council members in attendance: Ladwig, Clompus, West, Grover, Davies. City Staff in attendance: City Manager Eli Naffah, City Clerk Gabriel Adams, City Attorney Russ Gans, City Engineer Josh Wolf. Approximately (15) attendees were present online at the beginning of the meeting.

II. PLEDGE OF ALLEGIANCE

III. ADJOURN TO CLOSED SESSION

1. Conference with Legal Counsel – Existing Litigation (Gov. Code Section 54956.9: City of Trinidad v. Trinidad Bay Bed & Breakfast/Mike Morgan (Humboldt Co. Superior Court Case No. CV2100112))
2. Conference with Legal Counsel – Existing Litigation (Gov. Code Section 54956.9): City of Trinidad vs. Mike Morgan (Humboldt Co. Superior Court Case No. CV2100066)
3. Conference with Legal Counsel – Existing Litigation (Calif. Gov. Code Section 54956.9(d)(1)) (1 Case: City of Trinidad vs. Tsurai Ancestral Society, et. al. Humb. Co. Sup. Court Case No. 180684

IV. RECONVENE TO OPEN SESSION

Mayor Ladwig announced that no reportable action was taken by the Council.

V. APPROVAL OF THE AGENDA

Motion (Davies/Grover) to move agenda item 5 up to 2nd on the list, and approve the agenda as written.
Passed unanimously.

VI. APPROVAL OF MINUTES – 03/09/2021 cc

Davies noted a correction on page 10 to state “there isn’t a definition of a Bed & Breakfast” in the STR Ord.
*Motion (Grover/West) to approve the minutes as amended. **Passed unanimously.***

VII. COUNCIL REPORTS/COMMITTEE ASSIGNMENTS

Davies: Trails Committee will meet this month.

Clompus: Provided a written report included in the packet that highlight his committee discussions, actions, and progress. Update on the CCMN Committee and announced next meeting on May 18, update on Visitors Bureau website, and update on Ad Hoc Water Committee and March 22 letter from State Water Resources Control Board warning of ongoing dry conditions and drought impacts Statewide.

Grover: Attended RCEA meeting. Transitioning into renewable energy sources. Joined the Racial Equity Subcommittee.

Ladwig: RREDC issued several large loans this year, and thanked Dorothy Cox and Mary Kline for keeping the town looking beautiful by removing litter and trash. HTA reviewing traffic safety needs countywide. County Public Health Official Dr. Hoffman working to provide cities guidance regarding public events.

VIII. STAFF REPORTS – City Manager & Law Enforcement

City Manager Naffah summarized and highlighted various accomplishments from March that were outlined in the meeting packet. Announced the Downtown Pedestrian Connectivity project beginning next week. RAO Construction will be the contractor. Coastal Living ranked Trinidad in the top 12 coastal cities to live in across the country. Trash pickup on Friday will now be at 8am. Verizon will be starting construction in May on the Westhaven cell site. Chevron signage was brought to my attention and I reviewed it. I also was asked to review the open flags that various businesses use to welcome patrons. It’s good to let the public know they’re open. Two STR’s have approved signage that may be non-standard, but they meet the objectives of the ordinance.

Davies requested that the City Manager not exercise discretion when interpreting ordinances.

IX. ITEMS FROM THE FLOOR

(Three (3) minute limit per Speaker unless Council approves request for extended time.)

There were no items from the floor.

X. CONSENT AGENDA

1. Staff Activity Report
2. Financial Statements – February 2021
3. Law Enforcement Report – March 2021
4. Contract Renewal with SHN for City Planning Services.
5. ASBS Stormwater Project Update

*Motion (Grover/Clompus) to approve the consent agenda as submitted. **Passed unanimously.***

X. DISCUSSION/ACTION AGENDA ITEMS

1. Discussion/Decision regarding March 09, 2021 City Council Decision to Impose a Moratorium on Issuing New Short-Term Rental Licenses.

Mayor Ladwig recused himself due to conflict. Mayor Pro-Tem West led the discussion.

City Attorney Russ Gans explained that at the March 09, 2021 Council Meeting, the Trinidad City Council sought to impose a moratorium on the issuance of new STR licenses until the new STR Ordinance and General Plan has been reviewed, revised, and adopted by the City and Coastal Commission. The moratorium was not adopted in written form, it was simply approved by a voice vote on motion by the City Council. Following the meeting, the City Manager contacted the City Attorney to inquire about options and protocol for the imposition of a moratorium or other restriction on new STR licenses.

The STR Ordinance contains recitals limiting the number of STR's by zoning. The recommendation is that if the City desires to modify the ordinance to restrict implementation of issuing new licenses, the procedure to hold a first and second reading should be followed.

City Manager Naffah suggested following the Ordinance as-is. If not, the procedure recommended by the City Attorney should be followed.

Council questions/comments included:

Grover: Regarding zoning, public debate and participation should be followed. I would like to honor all the work that's been put into this ordinance already, and I don't feel that this is an emergency.

Davies: It's unfortunate that the word moratorium was included in the agenda title in March, we didn't get this advice at that meeting. I still would like to move forward with this. The ordinance was supposed to be reviewed after 2 years. It's been nearly 5 years. Visitor services are still being referred to as affordable housing. We need to know the housing situation before turning houses into STR's. STR's violate the General Plan. No new licenses should be issued while the Council sorts this out.

Clompus: If the STR Ordinance is based on other city documents such as the General Plan, does it make sense that the other plans be updated first? Gans explained the proposed amendment does not violate the General Plan.

West: I don't want to wait for the General Plan to be updated before resolving the moratorium on issuing new licenses.

There was no public comment.

*Motion (Davies/Clompus) to place a moratorium on issuing new STR Licenses until the current STR Ordinance is amended and approved by the City and Coastal Commission. **Passed 4-0. (Ladwig recused).***

2. Presentation/Discussion of the FY 2019-2020 Audit

City Auditor Ralph Marcello presented the audited financial statements, and noted the audit process investigates internal procedures, segregation of duties, and protection of city assets. He also noted how Covid-19 has impacted revenue sources of cities throughout the State. Occupancy and Sales Taxes have been impacted tourism supported cities across the State. With lower interest rates, property values and sales have increased significantly this year. The City of Trinidad has handled the finances very well. It has set aside a healthy reserve, cultivated revenue sources, and monitored expenses. The City has performed well in 2020-2021 despite the impacts of the pandemic.

There were no public comments.

Council thanked Ralph Marcello for a very informative summary, and accepted the 2020-2021 audit.

3. Discussion/Decision regarding Installing Stop Signs at the 3-way Intersection at Trinity and Edwards Streets.
Councilmember Clompus presented information to support the concept of making the intersection a 3-way stop. He explained that the intersection is confusing, and the spectacular view is distracting. Drivers hesitate, and many come to a complete stop because it feels like they should. There are also visibility problems with veiling sun glare at certain times of the day, and often times drivers speed through in a hurry. The sidewalk heading down Edwards from the intersection is overgrown and needs to be cut-back.

A technical memo from the City Engineer was commissioned by the City in 2009 to suggest safety enhancements along Edwards. The three-way stop and marked crosswalk across Edwards was suggested to be justified. The actions taken by the Council in 2009 was to extend the red curbs to increase visibility, install a crosswalk across Trinity, and relocate the centerline on Edwards. The three-way stop was not implemented. It is recommended tonight that the Council support creation of a three-way stop intersection and authorize staff to implement it as part of the Downtown Pedestrian Improvement Project that will begin next week.

City Engineer Josh Wolf explained that from a technical perspective the concept can be supported, and the cost can be covered by contingency funds in the grant budget.

West: Would we have to install a “stop ahead” sign? Wolf stated it would not be necessary, but often times when new signs are installed, additional markings such as flags are attached temporarily to inform drivers of the new sign.

Grover: Was there any discussion about making the uphill route a yield route? **City Engineer Wolf** noted that you can’t mix yield and stop. He also noted that we do not recommend a crosswalk at the western side of Edwards because it’s a highly used area that does not meet ADA standards, and Trinity and Edwards have high traffic volumes.

Public comments included:

Norman Thompson – Trinidad

This unsafe intersection was the first thing I noticed when I moved here. We don’t want to lose visitors or residents, having them hurt or killed. The only way to ensure people will pay attention is to install the 3-way stop intersection.

Bryce Kenny – Trinidad

I like the idea of cutting back the vegetation along the sidewalk. I think you should hold off on installing the stop sign on uphill Edwards. People generally stop or pause on Trinity, and there’s no reason to create a traffic bottle-neck coming up Edwards. Stripe Edwards directing traffic onto Trinity to discourage traffic through Ocean Ave.

City Engineer Wolf noted that the 2009 analysis was completed for a three-way stop, not a mix of stop and yield.

Council comments included:

West: Appreciate Councilmember Clompus and Mr. Kenny’s comments about sidewalk encroachments.

Davies: I think striping would help to direct uphill traffic to Trinity. Trinidad is a fishing village, and stopping on the incline may create problems for fisherman hauling boats or gear. Stopping on Trinity is warranted, but with people would follow the striping even though the engineers do not support that suggestion.

Grover: Agree with Davies that striping might be a good alternative on the uphill lane.

Clompus: Argued that the recommendation is to make this a three-way stop. Trading someone’s life to make it more convenient for vehicles that can’t start and stop on an incline is not an option. We need to provide safety for residents and visitors.

Ladwig: I support the recommendation as-is.

*Motion (Clompus/Grover) to increase pedestrian safety by installing 2 additional stop signs and striping at the intersection of Edwards and Trinity Streets, with the expense covered by the Downtown Pedestrian Connectivity Project. **Passed 4-1. Davies-No.***

City Engineer will confirm with GHD's traffic engineer that striping and signing proposed conform with Federal and State standards, and include centerline striping if recommended.

4. Discussion/Decision regarding Resolution 2021-03 Authorizing the City Manager to Sign a USDA Grant Agreement to Develop a Preliminary Engineering Report to Address the Failed Van Wycke Water Main. City Manager Naffah explained that at the regular meeting on July 14, 2020, the City Council discussed and voted unanimously to direct staff to apply for funding and develop an agreement for a preliminary engineering report (PER) for a permanent relocation of the failed water main on Van Wycke. There was no public comment regarding this item at that meeting, and the following motion was adopted:

- Authorize the City Engineer to develop emergency temporary repair plans and cost estimate for City review (Completed).
- Authorize the Public Works Director to proceed with temporary repairs to be paid from the Water Fund (Completed).
- Direct Staff to pursue funding for predevelopment and construction of a permanent water line (In progress per below).
- Authorize staff to negotiate and execute an agreement with GHD not to exceed \$30,000 to develop a PER to be paid with SEARCH Grant funds (In progress per below).

Staff submitted US Department of Agriculture (USDA) Rural Development Application Number 40008805 in July 2020, and the City has been qualified for a \$30,000 grant to develop a Project Engineering Report (PER).

Next steps to permanently relocate the water main:

- Adopt a resolution to authorize the City Manager to enter into the USDA grant agreement.
- Direct the City Engineer to complete the Preliminary Engineering Report (to be paid for by \$30,000 USDA grant).
- Prepare NEPA documentation for the proposed project.
- Submit a funding application for the project to prepare bid documents and construct the permanent relocated water main. Cost of the National Environmental Policy Act documentation (NEPA) will be included in the funding application.

Public comment included:

Bryce Kenny – Trinidad

I thought this was to keep the water line running down Van Wycke, but it sounds like you're planning to move it to Edwards. It was my understanding that looping is important for pressure, flow, and redundancy. There seems to be a downside to this proposal that hopefully the engineers will look into.

*Motion (Grover/West) to 1) adopt Resolution 2021-03, authorizing the City Manager to sign a USDA SEARCH Grant Agreement for \$30,000 and direct City Engineer to complete the Preliminary Engineering Report, 2) Direct staff to develop a scope and budget for NEPA compliance for the Water Main Relocation project as required by USDA, and 3) Direct staff to submit a funding application for the project to prepare permit applications, CEQA compliance, finalize the design and project bid documents, and construct the relocated water main. **Passed unanimously.***

5. Discussion/Decision regarding Resolution 2021-04; Installation of No Overnight Parking or Camping Signs on Edwards and Hector Streets.

City Manager Naffah explained that the proposal is to install signs along Edwards Street between Trinity and Van Wycke streets, as well as on Hector Street that state: "No Overnight Parking or Camping from 10 pm—5 am, TMC 10.08.010."

The Trinidad Municipal Code Section 10.08.010 reads as follows: "Prohibited Parking. When authorized signs are in place giving notice thereof, no person shall stop, stand or park any vehicle on any of the streets or alleys enumerated by resolution of the city council." [Ord. 87-196, Sec. 1, 1988]. Resolution 2021-04 is thereby proposed.

Council questions included:

Clompus: I'm concerned that restricting RV parking on Trinity or Edwards may cause problems on other streets. Why are we picking only those two streets?

Ladwig: We're not just limiting RV's. This is for all overnight parking.

Davies: The City of Eureka spent several months working on this. Does our City Attorney have any advice for us?

City Attorney Russ Gans explained that the limited Resolution proposed is permissible. However, this a very convoluted and changing area of law. The constitutionality of such laws has been challenged. The proposal tonight is limited enough to be permissible. The City of Eureka established an elaborate ordinance designating large areas where overnight parking is precluded, but designated alternate areas where it's permissible.

Public comment included:

Dorothy Cox – Trinidad

Overnighters park in many places throughout town. The City should not select only Edwards and Hector. No overnight parking in town, period.

Brett Gregory – Trinidad

Many overnighters park in front of my house on Main Street. These people are getting a free vacation. These people can be loud and disrespectful. Add Main Street to the prohibited overnight parking list.

City Attorney Gans reminded the Council that a full City ban on overnight parking will involve a much more comprehensive ordinance.

Council comments included:

Davies: I agree with Brett Gregory. I've seen it before. I've seen people standing in front of my house in their underwear, and urination vessels left outside. Main, Trinity, and Edwards should be included. We need to do something before summer hits. They are not welcome. Every flat street should prohibit overnight parking. We can't create a problem for residents that live on those streets, so we may have to investigate developing a parking permit system.

Ladwig: People don't always park how they're supposed to, which causes congestion and bottlenecks. Kicking them out of one place will just move them somewhere else. Camping on city streets is the issue.

West: Concerned with getting fire engines through congested areas. Overall City parking ordinance should be considered.

Gans explained that the action agendized tonight was limited in scope, restricting overnight parking (not camping). If you want to adopt a no camping resolution, more analysis will be needed to make sure what we're doing is appropriate. I recommend removing "no camping" from the resolution. Adding new streets to tonight's decision is not advised, because they were not agendized. They could be brought back at a future meeting if the Council wishes.

*Motion (Grover/West) to modify and adopt Resolution 2021-04, Prohibiting overnight parking on Edwards Street between Trinity and Van Wycke streets, and on Hector Street per Trinidad Municipal Code Section 10.08.010, and authorize the installation of signage. **Passed unanimously.***

City Manager Naffah will return to the next meeting with an identical resolution prohibiting overnight parking on the north side of Main Street, and propose a new ordinance prohibiting overnight parking in public parking lots. Parking restrictions implemented and proposed shall be reviewed by the Coastal Commission for consistency with existing policies.

6. Discussion/Decision regarding revised, draft Resolution 2021-02; Establishing the Water Advisory Committee. City Manager Naffah explained that at the March 09, 2021, meeting, the Council revised the committee membership for the Resolution creating a Water Advisory Committee. The suggested membership of (2) City Council Members, (1) Planning Commissioner, (1) City of Trinidad water customer, and the Public Works/Water Plant Director has been incorporated into the revised resolution.

Naffah also noted the difference between the Water Response Team designed to address drought and emergency conservation responses, and the Water Advisory Committee designed to address water source alternatives and resiliency.

Public comments included:

Anita Thompson – Trinidad

Will the Resolution include meeting frequency? **Naffah** confirmed that meeting frequency has included in the Resolution.

Paula Levine – Trinidad Area, Water System Customer

I support the Resolution, and wrote a letter of interest to the City with my desire to participate on this committee. I appreciate the time and effort that goes into your meetings and resolving issues. My focus is on water. My letter expresses my concern for long-term water solutions, and bringing all parties together in a non-confrontational manner.

Bryce Kenny – Trinidad

This committee is way too light on citizen involvement. Why have 2 Councilmembers that will vote later on the recommendations? Let's let the citizens who pay for the water and have a stake in the water system have more input? Why is the Public Works Director on the committee? He doesn't have a stake in the water system – other than that he's employed by the City to run it. There should be 3 citizens on the Committee.

Naffah noted that one option to consider is to have (2) Council, (1) Planning Commissioner, and (2) Water System Customers. The Public Works Director can attend the meetings when needed.

Council comments included:

Grover: I support the City Manager's suggestion.

Clompus: The Public Works Director has been included to help the Committee steer towards realistic recommendations. Sherri Provolt reminded us that this is a City water system and the problems are Trinidad's problems. Experts are encouraged to participate in these meetings, but the voting members shouldn't be people that live in other water districts.

West: This is an important committee that needs expert advice from the Public Works Director, and I support having 2 water customers.

Davies: Agree with West. We need experts involved in the discussion. I support (3) Citizens and (1) Councilmember on the Committee. I supported the proposed composition last month reluctantly.

Motion (Davies/Ladwig) to modify and adopt draft Resolution 2021-02 Establishing the Water Advisory Committee, substituting an additional Water System Customer for the Public Works Director as voting member.

Passed unanimously.

7. Discussion/Decision Trails Advisory Committee Appointments.

City Manager Naffah explained that at the regular meeting in February, the City Council amended Trails Committee Resolution 2019-13 to include a representative of a the Tsurai Ancestral Society. At the regular meeting in March, the Council appointed Trinidad Coastal Land Trust Executive Director Carol Van Der Meer to fill the Visitor Services/Business Community vacancy.

The Trails Committee is currently operating without 1 member; (1) General Public Representative. The Committee Membership currently consists of:

(1) City Councilmember (Committee Chair)	Tom Davies
(1) Planning Commission liaison	Cheryl Kelly
(2) General Public representatives	Gail Kenny / Vacant
(1) Tribal representative of the Yurok Tribe	Frankie Myers
(1) Tribal representative of the Trinidad Rancheria	Shirley Laos
(1) Tribal representative of the Tsurai Ancestral Society	Kelly Lindgren (pending confirmation)
(1) Visitor Services/Business Community representative	Carol Van Der Meer

On March 17 the Planning Commission nominated **Aaron Hakenen** to replace Cheryl Kelly as their Trails Committee Representative. On March 18 the City received a letter from the Tsurai nominating member **Kelly Lindgren** as their representative. On March 19, the City received a letter from Edwards Street resident **Tim Needham**.

There was no public comment.

*Motion (Davies/Grover) to confirm Planning Commission representative Aaron Hakenen and Tsurai Ancestral Society representative Kelly Lindgren, and appoint resident Tim Needham to the Trails Committee. **Passed unanimously.***

8. Presentation/Update regarding the FY2021 Budget and Upcoming FY2022 Budget Preparation Timeline.
City Clerk Adams explained that the Trinidad turned the page on two significant economic variables it faced in 2020-2021, 1) the fiscal impacts of Covid-19, and 2) the outcome of the November 2020 Sales Tax Election. With these variables now understood, making predictions and commitments for the next few years are possibilities within reach.

The first step to kick-off the 2021-2022 Budget Season is to take a brief look at the current year – measuring achievements, shortfalls, or deviations in the Council's spending plan, along with identifying operation changes and/or unexpected revenue windfalls that modified the City's course along the way.

The primary goals of this preliminary budget meeting discussion are;

- 1) To examine the financial statements received through February 2021.
- 2) Review significant highlights in spending (or not spending) and revenues in the primary departments.
- 3) Plot a course from now through June for continued discussions that will lead to an adopted budget by the regular meeting in June.

Adams included the 2020-2021 Budget Summary in the packet to refresh the Council's memory, and welcomed questions or directions requested for the upcoming meetings.

Clompus: I like to look at the big picture first (income vs. expenditures) and compared to previous years. I also would like to see rate adjustments for the water system, but also see another big picture view to begin the discussion. I would also like to see adjustments considered every 6 months to help balance the budget.

Davies: Appreciate the overview. Do we really have 30 people interested in 30 memorial benches? Is this something we can consider? Adams noted the list of possible rate adjustments and revenue sources the City should keep in mind.

No decision was made. The budget discussion will continue in May.

9. Discussion/Decision regarding Upcoming Council Meeting Schedule
Discussion item only. City Council members were encouraged to share vacation schedules with the City Manager to forecast any May and June meeting conflicts.

FUTURE AGENDA ITEMS

- CM Evaluation, Contract Renewal
- Water Supply Update
- Water Shortage Contingency Committee

ADJOURNMENT: 9:35pm.

Submitted by:

_____ signed copy on file _____
Gabriel Adams
Trinidad City Clerk

Approved by:

_____ signed copy on file _____
Steve Ladwig
Mayor